

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HAROLD LASHON,
Plaintiff,
v.
COMCAST CABLE,
Defendant.

No. C 10-02645 CW
ORDER GRANTING
DEFENDANT'S MOTION
TO AMEND ANSWER TO
PLAINTIFF'S
COMPLAINT
(Docket No. 15)

Defendant Comcast of California/Colorado, LLC (erroneously sued as Comcast Cable) moves for leave to file an amended answer to pro se Plaintiff Harold Lashon's complaint. Plaintiff did not respond to Defendant's motion. The motion was taken under submission on the papers.

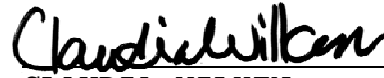
Federal Rule of Civil Procedure 15(a) provides that leave of the court allowing a party to amend its pleading "shall be freely given when justice so requires." Courts consider five factors when assessing the propriety of a motion for leave to amend: undue delay, bad faith, futility of amendment, prejudice to the opposing party and whether the party has previously amended the pleading. Ahlmeier v. Nev. Sys. of Higher Educ., 555 F.3d 1051, 1055 n.3 (9th Cir. 2009).

Defendant seeks to amend its answer to add an affirmative defense of failure to exhaust administrative remedies. Under the case management order, the deadline to file amended pleadings is January 14, 2011. Because this deadline has not passed and Rule

1 15(a) favors the amendment of pleadings, the Court GRANTS
2 Defendant's motion. (Docket No. 15.) Within three days of the
3 date of this Order, Defendant shall file its amended answer.
4 Defendant shall serve its amended answer on Plaintiff forthwith.

5 IT IS SO ORDERED.

6 Dated: 1/3/2011



CLAUDIA WILKEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LASHON et al,

Case Number: CV10-02645 CW

Plaintiff,

CERTIFICATE OF SERVICE

v.

COMCAST CABLE et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 3, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Harold LaShon
216 Stonepine Lane
San Ramon, CA 94583

Dated: January 3, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk

United States District Court
For the Northern District of California